IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.4 OF 2006
IN
FAMILY COURT APPEAL NO.42 OF 2002

Sou. Urmila Dilip Deshmukh ... Applicant

Vs.

Dilip Pandurang Deshmukh ... Respondent

Mr. P.B. Shah for the applicant.

Mr. S.V. Sadavarte for the respondent.

CORAM : SMT. RANJANA DESAI, &
D.B. BHOSALE, JJ.

DATED : 11TH JANUARY, 2007.

P.C.:-

1. By this application, recall of our order dated 1/02/2006 is sought by the applicant.

2. We have hard Mr. Shah, the learned counsel appearing for the applicant-wife. He states that the statement made by the learned counsel appearing for the respondent-husband that the respondent-husband has paid to the applicant-wife Rs.14,50,000/- and the said amount is deposited in three different bank accounts of the applicant-wife is an incorrect statement. He

states that the learned counsel for the applicant-wife, who appeared at that stage, had wrongly stated before the court that the said amount has been deposited by the respondent-husband in the applicant-wife's bank accounts. This wrong statement was made because instructions were given to him by the son of the applicant-wife, who is now staying with the respondent-husband. Mr. Sadavarte, the learned counsel appearing for the respondent-husband, however, maintains that the amount has been deposited as reflected in the order dated 1/02//2006.

3. After recording this statement, we have merely disposed of this appeal as having become infructuous. The appeal was not disposed of on merits. In view of the fact that the learned counsel for the applicant-wife is disputing that the amount has, in fact, been paid to her and that the matter arises out of a claim for maintenance, we recall our order dated 1/02/2006. Office is directed to place this matter before the appropriate bench for final hearing.

4. Review Petition is disposed of.

[SMT. RANJANA DESAI, J.]

[D.B. BHOSALE, J.]